

C. Remarks

This amendment is responsive to the final office action dated December 9, 2003. In the office action, certain of the claims (5, 6-8 and 13) were objected to as to matters of language. Turning first to the matters of language raised in the office action, claims 6-8 and 13 have been amended in the manner suggested by the Examiner. Additionally claim 1 has been amended to recite the size range as "up to 100 nm" so that claim 5 is consistent therewith. It is believed that these amendments are sufficient to remove the language objections and rejections to the claims 5, 6-8 and 13.

Claims 1-16 were noted allowable. The notice of allowability is gratefully acknowledged.

In the office action, claim 17 was rejected under 35 U.S.C. 102/103 as being unpatentable over Yamawaki et al. In order to more clearly define, and distinctly claim, the present invention from that of the prior art, "product by process" claim 17 has been amended to recite that the particles produced have "a spinel type crystal structure and composed of crystals that are less than 100 nm in size. These particle properties are not provided by the different process of Yamawaki.

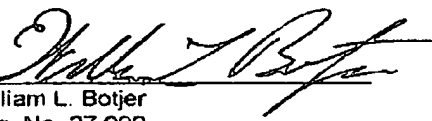
The patent to Yamawaki is directed to a dry sintering process for producing lithium titanate particles ranging from 100 nm *and up*, more preferably much larger than 100 nm. Generally such particles of greater than 100nm are referred to as micron sized, not nanosize (nanostructured). The present invention is directed to the production

of particles composed of crystals that are 100nm *and down*, i.e. nano-sized as the term is used in the art. The process used by Yamawaki is completely different from that of the present claims. Accordingly, *both* the product and the process are distinct from Yamawaki and claim 17 is thus allowable.

It is respectfully submitted that all of the claims are now clearly patentable over the art of record, and notice to that effect is earnestly solicited, If the Examiner has any questions regarding this matter, the Examiner is requested to telephone applicants attorney at the numbers listed below prior to issuing a Advisory Action.

Respectfully Submitted,

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